

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marco VICIC et al.

Application No.: 10/612,916

Filed: July 7, 2003

For: NAIL VARNISH

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) Group Art Unit: 1616  
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) Examiner: Konata M. George  
)  
)  
) Confirmation No.: 6931  
)  
)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## TERMINAL DISCLAIMER

Assignee, L'Oreal S.A., duly organized under the laws of France, and having its principal place of business at 14, rue Royale, 75008 Paris, France, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/612,916, filed July 7, 2003, for Nail Varnish in the names of Marco VICIC, Colette CAZENEUVE, and Nathalie MOUGIN, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 014744, Frame 0393 on December 1, 2003. Assignee, L'Oréal S.A., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent Application No. 10/612,920, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 014766, Frame 0598 on December 1, 2003.

To obviate a provisional double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent issuing from Application No. 10/612,920.

Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent issuing from the co-pending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent issuing from the co-pending application, as presently shortened by any terminal disclaimer, in the event that any patent granted on the co-pending application, as presently shortened by any terminal disclaimer, later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

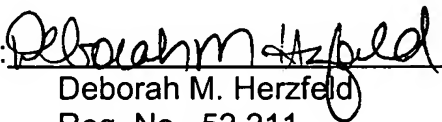
If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 23, 2007

By:   
Deborah M. Herzfeld  
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